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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/722,455	11/28/2003	Jae Kyum Kim	0465-1104P	8287
2292 7590 06/01/2007 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			EXAMINER PATEL, RITA RAMESH	
			ART UNIT 1746	PAPER NUMBER
			NOTIFICATION DATE 06/01/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary	Application No. 10/722,455	Applicant(s) KIM ET AL.	
	Examiner Rita R. Patel	Art Unit 1746	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

The former objection to the Specification has been overcome due to submission of an amended Abstract filed 3/12/07.

Response to Applicant's Arguments / Amendments

This Office Action is responsive to the amendment filed on 3/12/07. Claims 1-20 are pending. Claims 1, 2, 4-7, and 9-16 have been amended. Claims 17-19 are newly submitted.

However, there is a discrepancy in the Remarks filed by the Applicant, specifically on page 7, lines 4-5 it is stated "claim 8 has been canceled...and claims 17-18 have been added". Upon further examination of the actual claims submitted 3/12/07 it appears that claim 8 has not been indicated a cancelled status, and claims 19-20 are newly submitted also. Therefore, for the purposes of examination, it will be considered that claim 8 is pending and claims 19-20 are new. Appropriate clarification is requested.

Applicant's arguments have been fully considered and are persuasive, thus the former 35 USC 102 and 35 USC 103 rejections have been overcome. However, upon further consideration, the instant claims are rejected under new grounds of rejections and thus, claims 1-20 are finally rejected for the reasons of record.

With regard to Applicant's remarks in re the former rejection, these arguments are now considered moot because they have been overcome and are no longer relied upon.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6, 8-14, and 16-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Kronbetter et al. herein referred to as "Kronbetter" (US Patent No. 6,256,823).

Kronbetter teaches a washing machine 10 with housing 12 having an opening 19 in the front of panel 13. Also, there is a bellows 44 in the front panel 13, therein lying stationary drum 25 and rotating drum 30; bellows 44 reads on applicant's claim for a gasket. The motor 34 drives rotating drum 30 via a suitable connection, for example a belt 35 and pulley 36 (col. 4, lines 6-7).

The bellows 44 embodies a first channel 46 having opposing sidewalls 50, terminating in a first and second fastening means 54, 56; the first fastening means 54 has an axially extending rib 65 engageable with one of the sidewalls of the first channel; and second fastening means 56 which has an axially extending rib 70 and is engageable with one of the sidewalls of the second channel and a radially extending lip

80 engageable with the door, whereby the stationary drum is sealed to the front panel of the washing machine. Opening 19 reads on applicant's claim for a first opening; the opening of stationary drum 25 reads on applicant's claim for a second opening; and the opening of rotating drum 30 reads on applicant's claim for a third opening.

Diagrammed in Figure 2 of Kronbetter are steps 60, 61 and corner bellow portion 44 form a "Z" shaped part which reads on applicant's claims for a leakage preventing part have a first, second, and third connecting member.

Kronbetter's disclosure of annular bed/fastening means 54 and attached step 71 reads on Applicant's claims for a deformation preventing part. Kronbetter's annular rib 64 reads on Applicant's claim for a laundry-stuck preventing part. It is at once envisaged that the annular bed/fastening means 54 are rounded; beads are known in the art to be rounded, thus a vertical cross-section of bed part 54 would be semicircular. The annular bed/fastening means 54 is made of a flexible material and is releasably secured to the drum 25, thus reading on applicant's limitations for a deformation part with a strength gusset for reinforcing elasticity of the leakage preventing part.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kronbetter.

Re claims 7 and 15, applicant claims a polygonal ring type rib shape, however Kronbetter teaches a hemi-circular shape. Variation in shapes for such a rib would have been obvious to one of ordinary skill in the art at the time of the invention to achieve optimum holding. Caselaw purports that the particular configuration of a product is not significant or is anything more than one of numerous configurations a person of ordinary skill in the art would find obvious for achieving the same material use. *In re Dailey* 149 USPQ 47, 50 (CCPA 1966). See also *Glue Co. v. Upton* 97 US 3, 24 (USSC 1878). A polygonal type rib shape would provide the same means of function as that of a hemi-circular shaped rib. Such variation in shapes of said rib is found to be obvious in said art and although different shapes may provide a different aesthetic quality, the structural function of the rib is maintained. Furthermore it has been found that choice in aesthetic designs was held to have been obvious. *St. Regis Paper Co. v. Beemis Co. Inc.* 193 USPQ 8, 11, (1977); *In re Harza* 124 USPQ 378 (CCPA 1960).

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir.

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1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

This application is no longer provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over copending Application No. 10/722,426 due to Applicant's amendments filed to the claims on 3/12/07.

Claims 1-3 and 9-11 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-2, 6, and 11-16 of copending Application No. 10/720,150. Although the conflicting claims are not identical, they are not patentably distinct from each other because they both claim a washing machine including a cabinet, drum, tub, gasket, first, second, and third openings, a leakage preventing part, a deformation preventing part, and a laundry-stuck preventing part.

It is noted that in the previous Office Action a typographical error was made where said provisional rejection was indicated to be over Application No. 10/722,150, however this is incorrect; instead the correct copending Application No. 10/720,150 is disclosed supra.

Claims 1-6 and 9-14 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-3 and 5-13 of copending Application No. 10/722,443. Although the conflicting claims are not identical, they are not patentably distinct from each other because they both claim a washing machine including a cabinet, drum, tub, and gasket. The gasket including a leakage preventing part, a laundry-stuck preventing part, and a vertical ring type rib with hemi-circular/rounded/tapered end.

This provisional rejection is maintained despite Applicant's amendments to the claims, because both applications were correspondingly amended to incorporate the same amended subject matter.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kim et al. (US 2004/0025544) teaches a horizontal washing machine with a gasket 30 for preventing water and laundry received in the drum 20 and tub 10 from being leaked outside the tub 10 (Paragraph [0045]). As seen in Figure 2 of Kim et al. the gasket creates a sealing path from the door along a straight away then forms a "Z"-shape and follows along a second horizontal straightaway where it connects with the edge of the drum 20, and finally forms a vertical part which connects with the tub 10.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rita R. Patel whose telephone number is (571) 272-8701. The examiner can normally be reached on M-F: 8-5.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr can be reached on (571) 272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



rrp



MICHAEL BARR
SUPERVISORY PATENT EXAMINER